



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : John H. Westerbeke Art Unit :
Serial No. : 09/862,973 Examiner :
Filed : May 22, 2001
Title : CONTROLLING EXHAUST TEMPERATURES

MAIL STOP AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PROVISIONAL NOTICE OF APPEAL

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the action dated September 14, 2004, finally rejecting claims 1-18. This appeal notice is contingent upon the Examiner's final office action not being withdrawn as improper.

A petition for an extension of time under 37 CFR §1.136 to extend the time to respond to the final rejection for 3 month(s) to and including October 14, 2004 is enclosed, along with a response to the final rejection.

A check in the amount of \$170 for the appeal fee is not enclosed. If the final office action is not withdrawn, please apply this charge to Deposit Account No. 06-1050, with reference to Attorney Docket No. 00637-025001.

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20939163.doc

Respectfully submitted,

James W. Babineau
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CERTIFICATE OF MAILING BY FIRST CLASS MAIL

I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

10/14/04

Date of Deposit

June 18, 1895

Denise A Rose

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